

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Julie Dalton,

Case No. _____

Plaintiff,

v.

Karvonen & Son, Inc.,

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Defendant.

Defendant Karvonen & Son, Inc., d/b/a Karvonen's ("Defendant"), by its attorneys and pursuant to 28 U.S.C. § 1441 *et seq.*, hereby gives notice of removal of this action from the Fourth Judicial District Court for Hennepin County, Minnesota to this Court. As grounds for removal, Defendant states as follows:

FACTUAL BACKGROUND

1. Plaintiff Julie Dalton ("Plaintiff") has commenced this action seeking the monetary damages, injunctive relief, and attorneys' fees stemming from an alleged violation of the Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.* (the "ADA"). (Complaint, ¶¶ 1–12).

2. The Defendant in this matter is Karvonen & Son, Inc., d/b/a/ Karvonen's, a Minnesota business with its principal place of business in Perham, Minnesota. (Complaint, ¶ 17).

PAPERS FROM REMOVED ACTION

3. As required by 28 U.S.C. § 1446(a), all process, pleadings, and other orders in Defendant's possession in this action are attached hereto as Exhibit 1.

FEDERAL QUESTION JURISDICTION

4. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, because the Plaintiff has alleged claims arising under the ADA, a federal law.

5. The Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1337.

TIMELINESS OF REMOVAL

6. Service of the summons and complaint on Defendant has not been accomplished. However, Plaintiff may allege completion of service of process on February 18, 2022.

7. Defendant was in actual receipt of the Complaint on February 18, 2022. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(1), because it is filed within thirty days of Defendant's receipt of the Summons and Complaint.

VENUE

8. The District of Minnesota is the appropriate venue for this matter pursuant to 28 U.S.C. § 1441(a), because this Court is the "district and division embracing the place where [the state] action is pending."

9. Pursuant to the December 1, 2008 Order for Assignment of Cases, this case must be assigned to the Sixth Division of the District of Minnesota because Plaintiff's

cause of action arose in Otter Tail County, Minnesota, a county within the Sixth Division. *See Order for Assignment of Cases, ¶ 3(b)(i).* Moreover, Defendant's principal place of business is in Otter Tail County, a county within the Sixth Division. *Id.* at ¶ 3(b)(ii). Defendant respectfully requests that this matter be venued in the Sixth Division of this District.

NOTICE

10. Written notice of the filing of this petition has been served on counsel for the Plaintiff as required by law. Pursuant to 28 U.S.C. § 1446(d) and to effect removal, Defendant has filed a copy of this Notice of Removal with the Clerk of the Fourth Judicial District Court, Hennepin County.

CONCLUSION

11. Defendant respectfully requests that the United States District Court for the District of Minnesota, Sixth Division, accept this Notice of Removal and that this Court assume jurisdiction of this case and issue further orders and process as may be necessary.

PEMBERTON LAW, P.L.L.P.

Date: March 14, 2021

s/ Ryan D. Fullerton
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